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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,784	07/06/2001	Kinya Washino	FNI-02503/03	2825

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EXAMINER	
LEE, MICHAEL	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/900,784	WASHINO ET AL.	
	Examiner	Art Unit	
	M. Lee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-63 and 65-77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *51-63, 65-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 51-59, 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langford et al. (5,206,929).

Regarding claim 51, Langford discloses an offline editing system (Figure 2) showing a plurality of optical videodisk units (50) for storing a plurality of video takes and a floppy disc edit decision lists, and a video switcher (46) for switching video signal outputted from the video disk units 50 in accordance with the edit decision list provided by edit controller 30 (col. 7, lines 38-43). The one or more inputs as claimed are met by the input terminals of switcher 46, or the input terminals to the recorders 50a, and the input terminals to the floppy drive for storing the edit list. The combination of recorder 50a and floppy drive meet the storage as claimed. Langford further shows a scene tracker for storing the user-entered descriptions (col. 7, lines 21-23), which meets the computer-readable scripting information as claimed.

Regarding claim 52, Langford shows that the scene tracker stores the marked takes (col. 7, lines 1-20), which meets the edit-decision-list as claimed.

Regarding claim 53, during the multiple cameras style editing mode (col. 14, line 66, to col. 15, line 18), the edit decision list controls the selection of a plurality of video camera views, which meets the camera positioning or orientation control as claimed.

Regarding claim 54, the scene tracker utilized by the edit decision list meets the props or actors positioning, orientation, or physical characteristics as claimed (col. 7, lines 1-20, 44-49).

Regarding claim 55, the edit decision list in Langford is user controllable.

Regarding claim 56, portion of the edit decision list is in text format (col. 7, line 37, and col. 12, lines 2-8).

Regarding claim 57, see col. 10, lines 14-60.

Regarding claim 58, see rejection to claim 53.

Regarding claim 59, during the single camera style editing mode (col. 13, line 61, to col. 14, line 14) or the multiple cameras style editing mode (col. 14, line 66 to col. 15, line 18), Langford is intended to perform all sorts of video and audio special effects, which includes close-up camera coverage special effects.

Regarding claim 61, the video signals and edit decision list are stored separately in Langford.

Regarding claim 62, the video signals are originally stored in tapes (see Figure 1).

Regarding claim 63, see col. 15, lines 52-56.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 60, 65-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langford et al. (5,206,929).

Regarding claim 60, Langford does not specify that the recording apparatus forms part of a camcorder. It is well known in the art that a video camcorder has both recording and playback capabilities. Since units 50 in Langford have both recording and playback capabilities, they could be substituted with any conventional recording and playback device such as a camcorder. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace recording and playback units with camcorders to perform the well known functions as claimed. The selection of camcorders would have been considered an obvious design choice.

Regarding claim 65, in addition of rejection claim 51, Langford fails to specify the step of recording the source material in digitally compressed form. Recording video and audio signals in compressed digital format is notoriously well known in the art. Compressed digital video and audio signals enable video communication through narrow bandwidth channel and require less storage space. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

compress the video and audio signals in Langford to perform the well known function as claimed.

Regarding claims 66-77, see the corresponding rejections to claims 52-64 as recited above.

Response to Arguments

5. Applicant's arguments filed 8/23/04 have been fully considered but they are not persuasive.

Regarding applicant's argument that Langford has only to do with manipulation of the splices themselves, and not with any extrinsive instructions regarding scripting, casting or staging...While the cited passage does refer to "user-entered descriptions of the edits on the list," again, this has to do with the edits, and not with scripting, casting or staging information, the examiner disagrees. Langford clearly has scripting information. In col. 7, lines 21-23, Langford states that the scene tracker module prompts the user to enter descriptions of logged takes. The description information basically describes the actions or takes being taken by the scene tracker. This clearly meets the scripting information as claimed.

Regarding applicant's argument that Langford does not suggest actual control of a camera itself, the examiner disagrees. The claim does not explicitly claim an actual control of the camera; in fact, it merely recites that the scripting information relates to the control of camera positioning or orientation. The claim language is much broader than what applicant has interpreted because the term "relates" can be interpreted in many ways. For instance, the icons 441-446 in Langford relate to the control of camera

positions since each of the icons selects different cameras located in different locations. Therefore, the claimed limitation is still met by Langford.

Regarding applicant's argument that there is no ability for the scene tracker to direct the content of the scene, the examiner disagrees. Similar to argument presented above, the claim language is much broader than what applicant has interpreted because the term "relates" can be interpreted in many ways. In this case, the description information or scripting information in the scene tracker of Langford can be used to describe an event, scenery, a person, or an actor. Therefore, the claimed limitation is still met by Langford.

Regarding applicant's argument that the selection of the camcorder would not have been considered an obvious design choice since the Langford disclosure is strictly limited to a post-production offline editing system, and not a camcorder, the examiner disagrees. As stated in the rejection, since units 50 in Langford have both recording and playback capabilities, they could be substituted with any conventional recording and playback device such as a camcorder. There is no limitation in Langford that a camcorder cannot be used as the recording units 50 as alleged. Therefore, the substitution of units 50 with camcorders would have considered an obvious design choice.

Regarding applicant's argument that claim 65 includes numerous other limitations, including the receipt of computer-readable scripting, casting or staging information...should be allowed, the examiner disagrees. As stated above, Langford clearly has the claimed scripting feature. Therefore, rejection still stands.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is 703-305-4743. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Lee
Primary Examiner
Art Unit 2614